

Rombough, Kyrik

From: Rombough, Kyrik
Sent: Thursday, February 21, 2008 9:06 AM
To: 'maurtura@wildblue.net'
Cc: Gustafson, Brian; Duvall, Ron
Subject: Hyperion Air Permit

Dear Mr. Doug Maurstad:

In your February 15, 2008 email, you asked if a company has to officially declare its intent before they submit an application on clean air. A company does not have to officially declare its intent before they submit an application. However, the application they do submit must reflect the intent of the operation and where the operation will be located.

You also asked if Hyperion officially said that they intend to build a refinery in South Dakota or are they just probing the possibilities? If they have not committed, can they still apply for a construction permit? My understanding is that Hyperion intends to build a refinery in South Dakota if the local citizens want them to build in South Dakota. The answer to the second part of your question is yes, Hyperion may apply for a construction permit without officially committing to a single location. However, the application is tied to that location and if Hyperion decides to build in a different location, a new application would need to be submitted.

Thank you for taking the time to review Hyperion's application.

Kyrik

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